

MINTZ LEVIN

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DEC 20 2007

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# fax transmittal

**FROM:**

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**Date** December 20, 2007  
**# of Pages** 6

**TO:**

Name	Company	Business#	Fax #
Examiner Aaron Kosar	USPTO	571-270-3054	571-273-8300

**Comments:**

Applicants: Farmer, et al.  
 Serial Number: 09/424,527  
 Filing Date: May 29, 2003  
 For: PROBIOTIC LACTIC ACID BACTERIUM TO TREAT BACTERIAL  
 INFECTIONS ASSOCIATED WITH SIDS  
 Examiner: Kosar, Aaron J.  
 Art Unit: 1609

Please call us at 617-542-6000 if you experience any problems.

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**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

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37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

## Fax Notes:

Please find the enclosed Proposed Examiner's Amendment which, after consultation with my supervisor, would likely place the claims in condition for allowance, subject to your acceptance of the amendment.

Please contact me by COB, December 21, 2007, with your response. I can be reached at (571)270-3054, generally Monday-Friday 7:30AM-5:00 PM EST.

Aaron Kosar

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Date and time of transmission: Wednesday, December 19, 2007 4:45:00 PM  
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Application/Control Number:  
09/424,527  
Art Unit: 1651

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**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with \*\*\* on \*\*\*.

The application has been amended as follows:

The Specification has been amended as follows:

The phrase "lactid acid bacterium" (page 19, ¶3, line 11) has been amended to correct a typographical error. The phrase has been amended to recite "lactic acid bacterium".

Claims:

1. A method reducing a bacterial gastrointestinal infection in a human, said bacterial gastrointestinal infection selected from the group consisting of, *Clostridium perfringens*, *Clostridium difficile*, *Clostridium botulinum*, *Clostridium triburyicum*, *Clostridium sporogenes*, *Escherichia coli*, *Pseudomonas aeruginosa*, and *Staphylococcus aureus*, comprising the steps of:

a) orally administering to a human subject a composition comprising:

i.) viable colony forming units (CFU) of a non-pathogenic lactic acid bacteria, wherein said non-pathogenic lactic acid bacteria is *Bacillus coagulans*; and  
ii) an oral electrolyte maintenance formulation; and

b) allowing said non-pathogenic lactic acid bacteria to grow in the human subject's gastrointestinal tract, thereby reducing a bacterial gastrointestinal infection.